

That is why our observance of Mother's Day is so important. It provides us not only with an opportunity to honor our own mothers, but also to thank all the women who make this Nation stronger through their tireless devotion to their children.

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, do hereby request that Sunday, May 11, 1980, be observed as Mother's Day. I direct Government officials to display the flag of the United States on all Government buildings, and I urge all citizens to display the flag at their homes and other suitable places on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4744 of April 2, 1980

Petroleum Import Adjustment Program

By the President of the United States of America

A Proclamation

In March 1979, the Secretary of the Treasury, having conducted an investigation of imports of petroleum and petroleum products in accordance with Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), concluded that such imports were entering the country "in such quantities and under such circumstances as to threaten to impair the national security." This finding confirmed the results of previous investigations conducted in 1959 and 1975.

The high level of the Nation's consumption of gasoline is the single most important cause of our dependence on foreign oil. At the same time, our consumption of gasoline can be reduced with less serious consequences to our economy than if similar action were taken with respect to other petroleum products, such as home heating oil. Consequently, the Secretary of Energy and the Secretary of the Treasury have advised that I take action to reduce oil imports by imposing a fee on imports of crude oil and gasoline and by establishing a program intended to ensure that the burden of the crude oil fee falls on gasoline. The Secretary of Commerce concurs.

I agree with their advice. To counter this threat to the national security of the United States, I deem it necessary to act pursuant to Section 232 of the Trade Expansion Act to adjust crude oil and gasoline imports through imposition of a gasoline conservation fee on imports of crude oil and gasoline and a system of passing the cost of this fee through on the price of gasoline in a manner consistent with and in furtherance of the objectives of the Emergency Petroleum Allocation Act of 1973 (15 U.S.C. 751 *et seq.*).

NOW, THEREFORE, I, JIMMY CARTER, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution and the laws of the United States, including Section 232 of the Trade Expansion Act of 1962, as amended (19 U.S.C. 1862), and the Emergency Petroleum Allocation Act of 1973, as amended (15 U.S.C. 751 *et seq.*), do hereby proclaim, effective March 15, 1980, that:

Section 1-1. Gasoline Conservation Fee

Sec. 1-101(a). Except as otherwise provided in this Proclamation, no crude

oil (except crude oil which is exchanged in accordance with the provisions in the next to last sentence of Section 4(b)(1) of Proclamation 3279, as amended) or gasoline may be entered into the United States unless it is by or for the account of a person to which a license has been issued by the Secretary pursuant to this Proclamation and the entry is made in accordance with the terms of this Proclamation and of such license.

19 USC 1862
note.

(b) Unexpired and unused licenses, or portions thereof, issued pursuant to Proclamation 3279, as amended, for the entry of crude oil and gasoline may be used for the purpose of entering those respective products through April 23, 1980; *provided*, that the entry is otherwise made in accordance with the terms of this Proclamation and that payment is made for all applicable gasoline conservation fees.

19 USC 1862
note.

Sec. 1-102(a). Upon application, the Secretary shall issue licenses subject to the gasoline conservation fees provided for in this paragraph.

(1) Except as provided in paragraph (a)(2) of this section, such licenses shall require, among other appropriate provisions, the payment of the following gasoline conservation fees:

(A) With respect to the entry of crude oil, such fee shall be \$4.62 per barrel;

(B) With respect to the entry of gasoline, such fee shall be equal to the dollar per barrel amount of the gasoline entitlement determined in accordance with Section 2-1 of this Proclamation for the month in which the entry was made, which amount shall be published by the Secretary on or about the fifteenth day of the second month after the month of entry.

(2) Gasoline conservation fees shall not be applicable with respect to the following types of entries:

(A) Crude oil which is entered into the United States for the Strategic Petroleum Reserve Program by the Department of Energy, or by any other person certified by the Department of Energy as acting on its behalf;

(B) Gasoline produced in the U.S. Virgin Islands or a U.S. Foreign Trade Zone which has incurred a gasoline entitlement obligation in accordance with Section 2-1 of this Proclamation.

(b) All monies received under this section shall be deposited into the Treasury of the United States. The Secretary shall credit to a deposit fund account a portion of the monies received under the terms of this section to be drawn upon by the Secretary for the payment of refunds of gasoline conservation fees. All other amounts shall be credited to miscellaneous receipts. Balances credited in the deposit fund account and not required to be reserved for payments hereinafter provided for shall be transferred at the end of the fiscal year to miscellaneous receipts.

Sec. 1-103(a)(1). Except as provided in paragraph (a)(2) or (a)(3) of this section, applications for licenses subject to payment of a gasoline conservation fee under Section 1-102(a)(1) of this Proclamation shall not be considered unless they are accompanied by payment in the following amounts:

(A) For licenses for the entry of crude oil, such payments shall be in the amount equal to the number of barrels for which the license is to be issued multiplied by \$4.62.

(B) For licenses for the entry of gasoline, such payment shall be in the amount equal to the number of barrels for which the license is to be issued multiplied by \$4.35. Upon the determination of the actual fee, in accordance with Section 1-102(a)(1)(B) of this Proclamation, for the month in which an entry is made, an adjustment of the amount paid shall be made in accordance with section 1-104(a)(1) of this Proclamation.

(2) In lieu of prepayment in accordance with paragraph (a) of this section,

19 USC 1862
note.

an applicant for a license may submit (A) a bond with a surety on the list of acceptable sureties on Federal bonds, maintained by the Bureau of Government Financial Operations, Department of the Treasury (Department of the Treasury Circular 570) or (B) other security acceptable to the Secretary; *provided*, that for all subsequent entries made pursuant to the license received, payment shall be made for the applicable gasoline conservation fees. Bonds or such other security shall be posted for the amount chargeable under the license, unless the applicant has made timely payment of any fees imposed pursuant either to this Proclamation or to Proclamation 3279, as amended, for the twelve previous calendar months in which the applicant was obligated to pay fees, in which case bonds or such other security may be posted for fifty percent (50%) of the total amount chargeable.

(3) Payment of gasoline conservation fees by or for the account of a department, establishment, or agency of the United States shall be accomplished by transfers, as appropriate, from appropriation accounts available to such department, establishment, or agency.

(b) Separate licenses shall be issued for crude oil and gasoline and for entries subject or not subject to payment of gasoline conservation fees.

(c) Licenses issued for crude oil and gasoline under this section shall be valid for a period of one year following the date of their issuance unless such licenses have been completely used prior to that time. A license shall be considered to be issued on the date the license is signed by the Secretary.

Sec. 1-104(a)(1). With respect to licenses for the entry of gasoline issued upon prepayment of gasoline conservation fees, the Secretary shall refund such prepaid fees by an amount equal to the difference between the actual fee for the month in which the entry was made and the prepaid amount of \$4.35, multiplied by the number of barrels entered; *provided*, that the actual fee for the month in which the entry was made is less than \$4.35 per barrel. In the event the actual fee exceeds \$4.35 per barrel, the licensee must make payment for the difference.

(2) The Secretary is further authorized to refund fees paid or to reduce fees owed, in whole or in part:

(A) where the licensee prepaid the fees and failed to use the license issued to him;

(B) where the license fee has been improperly charged.

(b)(1) All applications for such refunds or reductions based on entries of crude oil and gasoline must be filed with the Secretary by the end of the sixth month following the month in which the entry was made.

(2) Applications for refunds of fees for any unutilized portion of a prepaid license shall not be acted upon until the license has been received by the Secretary. Such applications must be filed with the Secretary within six months of the expiration date of the license.

(c) Refunds or reductions made pursuant to this section shall be made without interest, and in no case may the total of the refunds or reductions claimed exceed the amount of the fees paid for the license.

Sec. 1-105(a). For the purposes of this Proclamation, crude oil or gasoline shall be deemed to have "entered" the United States when it is released for immediate delivery, or entered, or withdrawn from warehouse for consumption, whichever occurs first as evidenced by the dates on Customs Form 3461, 7501, or 7505, as appropriate, or successor forms.

(b) Licenses shall be presented to the District Director of Customs at a point of entry to be selected by the licensee and shall remain in Customs custody until fully utilized or expired, whereupon they shall be returned by the Customs Service to the Secretary.

Sec. 1-106(a). No license shall be required in connection with the entry into the United States of crude oil or gasoline which is transported from one point in the United States to another such point through a pipeline that passes through a foreign country. If, incidental to such transportation, the crude oil or gasoline is commingled with or displaced by foreign crude oil or gasoline, no license shall be required for the entry of quantities of like kind and quality equivalent to those which left the United States.

(b) In the event the volume of a particular shipment of crude oil or gasoline entered pursuant to a license exceeds, by five percent (5%) or less, the volume stated as remaining on the license against which the crude oil or gasoline is being entered, the Customs officer may permit the entry of the excess without license but in such an event he shall notify the Department of Energy. The licensee must, within ten days of such entry, remit payment for any gasoline conservation fees applicable to such excess.

(c) Customs officers are authorized to permit entry, without license, of quantities not to exceed 550 U.S. gallons of gasoline or 100 barrels of crude oil which otherwise would be subject to the payment of a fee, where the quantities entered are certified as:

- (1) constituting samples for testing or analysis;
- (2) included in shipments of machinery or equipment and intended for use in connection therewith; or
- (3) baggage entries.

Sec. 1-107(a). Unless the Secretary directs otherwise, payment of fees shall be accomplished by wire transfer to an account specified by the Secretary, in accordance with such payment instructions as he may prescribe, or, at the licensee's option where the payment is for an amount less than \$1,000,000.00, by delivery to the Secretary of a certified check or a cashier's check payable to the order of the Treasurer of the United States.

(b) Payments in accordance with Sections 1-101(b), 1-103(a)(2) and 1-104(a)(1) must be received by the last day of the second month following the month in which an entry is made if that day is a business day, and if not, by the end of the next business day.

Section 2-1. Gasoline Entitlements

Sec. 2-101. For each month beginning with March of 1980, the Secretary shall calculate the "total national fee." The total national fee for a particular month shall be the total amount of the gasoline conservation fees payable for all crude oil entered by all persons in that month.

Sec. 2-102. The price of a gasoline entitlement for each month shall be equal to the total national fee for that month divided by the total number of barrels of gasoline production in that month for which gasoline producers must purchase gasoline entitlements, as adjusted by the Secretary in accordance with Section 2-103 of this Proclamation.

Sec. 2-103. In order to correct for reporting or calculation errors, overpayments, underpayments, and similar occurrences in any month, the Secretary in one or more months subsequent to that month may adjust either or both the price of a gasoline entitlement and the number of gasoline entitlements issued to or required to be purchased by persons.

Sec. 2-104. For each month beginning with March 1980, the Secretary shall issue to each person who entered, during that month, crude oil subject to a gasoline conservation fee pursuant to Section 1-102(a), a number of gasoline entitlements equal in value to the total amount of gasoline conservation fees for crude oil entered in that month that were paid or are payable by that person pursuant to this Proclamation.

Sec. 2-105(a). Except as provided in paragraphs (b) and (c) of this section, with respect to its gasoline production in any month beginning with March 1980, a gasoline producer must purchase gasoline entitlements equal in number to the number of barrels of its gasoline production in that month.

(b) If in any full calendar month the per barrel amount of any additional levy imposed by Puerto Rico or the U.S. Virgin Islands after the effective date of this Proclamation on gasoline consumed in its jurisdiction or produced in its jurisdiction for consumption therein is at least equal to \$4.20 or the value of a gasoline entitlement for that month, whichever is less, the number of barrels of gasoline production for which a gasoline producer must purchase gasoline entitlements for that month shall be reduced by the number of barrels of that producer's gasoline production in that month which is subject to the levy.

(c) A person which is issued gasoline entitlements for any month pursuant to Section 2-104 must sell each such gasoline entitlement to a gasoline producer required to purchase gasoline entitlements for that month.

Sec. 2-106. On or about the fifteenth day of the second month following any particular month beginning with March 1980, the Secretary shall publish a list which shall set forth the number of gasoline entitlements which each gasoline producer must purchase and which each person issued entitlements must sell for that particular month. Such purchases and sales shall be completed by the last day of the second month following that particular month. The Secretary may direct persons that have not purchased or sold the required number of entitlements within that time to purchase or sell such required number of entitlements from or to a person with reciprocal requirements. A person which in a particular month must both purchase and sell entitlements may purchase them from itself.

10 CFR 210, 211,
212.

Sec. 2-107. Notwithstanding any provision to the contrary in the Energy Regulations, no portion of any cost of a gasoline conservation fee imposed under Section 1-1 of this Proclamation may be considered under the Energy Regulations as a cost or part of a cost of crude oil, as that term is defined in the Energy Regulations, or any petroleum product, except as provided in Sections 2-108 and 2-109 of this Proclamation. For purposes of such sections, gasoline conservation fees shall be deemed to have been paid at the time that actual payment of such fees has been made to the Secretary, except that, in the case of an entry made pursuant to a prepaid license, payment of the fee may, at the option of the licensee, be deemed to have been made at the time of entry.

10 CFR 210, 211,
212.

Sec. 2-108. Notwithstanding any provision to the contrary in the Energy Regulations, any person that is not a refiner shall be deemed to have incurred an increased product or acquisition cost for gasoline in any particular month in an amount equal to the sum of (a) the amount of any gasoline conservation fees paid by that person in that month for gasoline entered into the United States, less the amount of any refunds with respect to licenses for gasoline that person has received pursuant to Section 1-104, and (b) the amount paid by such person during that month for gasoline entitlements; *provided*, that, prior to May 15, 1980, no person shall increase the price of gasoline as a result of such increased acquisition or product costs pursuant to this section.

Sec. 2-109. Notwithstanding any provision to the contrary in the Energy Regulations:

(a)(1) A person that is a refiner may add to its B_t factor for gasoline (its increased purchased product costs as described in Section 212.83 of the Energy Regulations) for any month an amount equal to \$4.20 multiplied by the number of barrels of gasoline subject to the gasoline conservation fee which that refiner entered into the United States in the month two months prior to such month. Any increases in gasoline prices that are allowed as a result of such addition to the B_t factor shall not be made prior to May 15, 1980.

10 CFR 212.83.

(2) If, in any month beginning with June 1980, the amount of gasoline conservation fees on gasoline paid by a refiner in the month immediately preceding that month was greater or less than an amount determined by multiplying \$4.20 by the number of barrels of gasoline subject to the gasoline conservation fee which were entered into the United States by that refiner in the month three months prior to that month, the difference shall be added to or subtracted from, respectively, that refiner's B_t factor for that month.

(b)(1) A person that is a refiner may add to its A_t factor for gasoline (its increased crude oil costs as described in Section 212.83 of the Energy Regulations) for any month an amount equal to \$4.20 multiplied by the number of barrels of that refiner's gasoline production in the month two months prior to that month. Any increases in gasoline prices that are allowed as a result of such addition to the A_t factor shall not be made prior to May 15, 1980.

(2) If, in any month beginning with June 1980, the amount paid by a refiner for gasoline entitlements purchased in the month immediately preceding that particular month was greater or less than an amount determined by multiplying \$4.20 by the number of barrels of that refiner's gasoline production in the month three months prior to that month, the difference shall be added to or subtracted from, respectively, that refiner's A_t factor for that month.

(3) The amount added to or subtracted from the A_t factor pursuant to this section shall not be subject to the "gasoline tilt" provision found in the last sentence of the first paragraph of Section 212.83(a)(2)(iii)(C) of the Energy Regulations.

10 CFR 212.83.

Section 3-1. *Administrative Provisions*

Sec. 3-101(a). The Secretary is delegated authority to provide for the administration and enforcement of this Proclamation. The Secretary shall, from time to time, in consultation with the Secretaries of Commerce, State, and the Treasury, and other Federal agencies as appropriate, review the status of imports of crude oil and its primary derivatives in respect to the national security. In this connection, he shall inform the President of any circumstances which might indicate the need for further Presidential action under Section 232 of the Trade Expansion Act of 1962, as amended.

19 USC 1862.

(b) The Secretary is delegated the authority to adjust, from time to time, the amount of the gasoline conservation fee specified in Section 1-102(a)(1)(A) of this Proclamation in order to ensure that, as closely as practicable, the value of a resulting gasoline entitlement approximates \$4.20.

(c) All departments and agencies of the Executive Branch of the Government shall cooperate with and assist the Secretary in achieving the purposes of this Proclamation.

Sec. 3-102(a). Persons applying for licenses pursuant to Section 1-1 of this Proclamation shall submit such information and make such reports as the Secretary determines necessary to fulfill his responsibilities under this Proclamation.

(b) By the fifth day of the second month following any particular month, beginning with May 5, 1980 for March 1980, each gasoline producer shall report to the Secretary its gasoline production for that month. A person with gasoline production in Puerto Rico or in the U.S. Virgin Islands in any month shall report separately its gasoline production in Puerto Rico or in the U.S. Virgin Islands in that month and the portion of such production which is produced for consumption in Puerto Rico or in the U.S. Virgin Islands.

(c) The Secretary may require a person subject to the reporting requirements of paragraph (a) or (b) of this section to report any additional information determined by the Secretary to be necessary to ensure that the objectives of this Proclamation are attained.

(d) A person required under this Proclamation to submit any report to the Secretary shall correct any errors contained in that report by filing an amended report as promptly as possible but not later than the last day of the eighth month following the month for which the report was filed.

Sec. 3-103(a). A person subject to any reporting requirement under Section 3-103 of this Proclamation shall prepare and maintain at its principal place of business sufficient records, including but not limited to records specifically required by the Secretary, to document its compliance with the provisions of this Proclamation.

(b) All records required to be maintained pursuant to this Proclamation shall be retained for a period of three years.

Sec. 3-104. The Secretary may initiate and conduct audits and investigations relating to the scope, nature, and extent of compliance by any person subject to any provision of this Proclamation.

19 USC 1862
note.

Sec. 3-105(a). In addition to any other remedies or penalties available to enforce this Proclamation or Proclamation 3279, as amended, the Secretary may revoke or suspend, in accordance with the provisions set forth in Subpart T, Part 205, of Title 10 of the Code of Federal Regulations, licenses issued to any person that violates the terms of this Proclamation or Proclamation 3279, as amended. In addition or in the alternative, and notwithstanding the provisions in Section 1-103(a)(2) of this Proclamation, the Secretary, in his discretion, may require that any person that violates the terms of this Proclamation post bonds for license fees in the full amount chargeable or prepay all license fee amounts in order to receive a license.

15 USC 751 note.

(b) In the event a person fails to fulfill an obligation arising under Section 2-1 of this Proclamation, that person shall be subject to the remedies and penalties available under the Emergency Petroleum Allocation Act of 1973.

Sec. 3-106. For purposes of this Proclamation, the following definitions shall apply:

"Crude oil" means a mixture of hydrocarbons that existed in natural underground reservoirs and which is liquid at atmospheric pressure after passing through surface separating processes, and does not include natural gas products. It also includes the initial liquid hydrocarbons produced from tar sands, gilsonite, and oil shale.

"Energy Regulations" means Parts 210, 211 and 212 of Title 10, Code of Federal Regulations.

"Gasoline" means gasoline as that term is defined in Section 212.31 of the Energy Regulations, which definition, for purposes of reference, is as follows: "all of the various grades, other than aviation gasoline, of refined petroleum naphtha which, by its composition, is suitable for use as a carburent in internal combustion engines." 10 CFR 212.31.

"Gasoline entitlement" means the proportionate share which each barrel of gasoline production for a particular month bears to the total gasoline conservation fees payable for that month.

"Gasoline producer" means that person which first manufactures a volume of gasoline by refining, blending or any other process.

"Gasoline production," for a particular gasoline producer in a particular month, means the total number of barrels of gasoline manufactured by refining, blending, or any other process in that month by that gasoline producer in the United States, the U.S. Virgin Islands, and a U.S. Foreign Trade Zone. Where incremental volumes of gasoline are manufactured through the addition of substances to gasoline for which gasoline entitlement obligations have already been incurred, only the incremental volumes of gasoline, less any volumes of alcohol, are gasoline production. For March 1980, a gasoline producer's gasoline production shall be determined by multiplying the number of barrels of that gasoline producer's gasoline production in March 1980 by 17/31; *provided*, that in the event a gasoline producer can demonstrate that the actual number of barrels of gasoline produced by that gasoline producer in the period March 15 through March 31 was less than 17/31 of that gasoline producer's total gasoline production in March 1980, that gasoline producer may report actual volumes of gasoline production for the period March 15 through March 31. Gasoline manufactured by a gasoline producer on behalf of another person shall be included within the gasoline production of the gasoline producer unless the other person is a refiner, in which case the gasoline shall be included within the gasoline production of the other person.

"Person" means any natural person, or a partnership, association, consortium or any other entity whether organized for a business or other purpose, or a department or other governmental unit of a state, territory of the Federal Government. A person shall include a parent organization and the consolidated and unconsolidated entities which it directly or indirectly controls.

"Refiner" means refiner as that term is defined in Section 212.31 of the Energy Regulations.

10 CFR 212.31.

"Secretary" means the Secretary of Energy or his delegate.

"United States" means the fifty States, the District of Columbia, and Puerto Rico, but not U.S. Foreign Trade Zones.

Section 4-1 *Conforming Amendments*

Sec. 4-101. Section 1 of Proclamation 3279, as amended, is amended by the addition of a new paragraph (f) to read as follows:

19 USC 1862
note.

"(f) Except with respect to licenses issued pursuant to the next to last sentence of Section 4(b)(1) of this Proclamation, all licenses issued pursuant to this Proclamation which could be utilized to enter crude oil or gasoline pursuant to another Proclamation shall expire effective 12:01 a.m. April 14, 1980. Notwithstanding any other provision of this Proclamation, no licenses shall be issued hereunder on or after that date for the entry of any crude

oil, unfinished oils, or finished products governed by another Proclamation during any period in which a fee of \$0.00, as provided in Section 3 of this Proclamation, is in effect."

Sec. 4-102. Section 1(e) of Proclamation 3279, as amended, is amended by deleting the comma appearing after the word "Proclamation" and by adding the words "or any other Proclamation governing the entry of crude oil, unfinished oils or finished products," to immediately follow the word "Proclamation".

Sec. 4-103. Section 8 of Proclamation 3279, as amended, is amended by deleting the period at the end of the next to last paragraph and by adding at the end of that paragraph the following words: "; *provided*, that the system of issuing allocations and licenses with respect to exchanges under Section 4(b)(1) of this Proclamation shall remain in effect during any period in which a fee of \$0.00, as provided in Section 3 of this Proclamation, is in effect."

IN WITNESS WHEREOF, I have hereunto set my hand this second day of April, in the year of our Lord nineteen hundred and eighty, and of the Independence of the United States of America the two hundred and fourth.

JIMMY CARTER

Proclamation 4745 of April 9, 1980

Older Americans Month and Senior Citizens Day

By the President of the United States of America

A Proclamation

Each year since 1963, the month of May has been designated as our Nation's special time for both honoring our older citizens and assessing their present needs. It is my deep belief that not only the form, but the *meaning*, of that tradition must be observed throughout America.

Since I became President, my Administration has worked hard—and successfully—to improve the quality of older persons' lives by enhancing their physical and material security and by providing greater opportunities for them to continue utilizing their skills and experiences.

We have firmed up the financial base of the Social Security system and are continuing to monitor closely the revenue needs of this most fundamental social program.

We have worked with the Congress to pass the Older Americans Act, which will unify and improve the administration of services.

We have pressed for stronger laws to protect older people against discrimination in the job market and in the allocations of Federal resources, and we have streamlined the enforcement of those laws. We have also taken the initiative to end age discrimination in employment opportunities.

However, significant changes are taking place in our population which raise new issues, and highlight new aspects of existing issues. A decline in the

42 USC 3001
note.